

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE:)	Chapter 11
)	
MARINER HEALTH CARE GROUP,)	Case Nos. 00-215-MFW
INC., <u>et al.</u> ,)	through 00-310-MFW
)	
Debtors.)	Jointly Administered
)	
ORIGEN L. TAYLOR,)	
)	
Appellant,)	
)	
v.)	Civil Action No. 01-274-SLR
)	(Appeal No. 01-37)
MARINER HEALTH CARE GROUP,)	
INC., <u>et al.</u> ,)	
)	
Appellees.)	

MEMORANDUM ORDER

At Wilmington this 26th day of March, 2002;

IT IS ORDERED that the January 26, 2001 order of the United States Bankruptcy Court for the District of Delaware is affirmed, for the reasons that follow:

1. This court has jurisdiction to hear an appeal from the bankruptcy court pursuant to 28 U.S.C. § 158(a). In undertaking a review of the issues on appeal, the court applies a clearly erroneous standard to the bankruptcy court's findings of fact and a plenary standard to that court's legal conclusions. See Am. Flint Glass Workers Union v. Anchor Resolution Corp., 197 F.3d 76, 80 (3d Cir. 1999). With mixed questions of law and fact, the court must accept the bankruptcy court's "finding of historical or narrative facts unless clearly erroneous, but exercise[s]

'plenary review of the [bankruptcy] court's choice and interpretation of legal precepts and its application of those precepts to the historical facts.'" Mellon Bank, N.A. v. Metro Communications, Inc., 945 F.2d 635, 642 (3d Cir. 1991) (citing Universal Minerals, Inc. v. C.A. Hughes & Co., 669 F.2d 98, 101-02 (3d Cir. 1981)).

2. The bankruptcy court correctly denied appellant's motion to act as his own counsel, in which appellant was actually seeking to allow his friend, a non-attorney, to represent him, which would constitute an unauthorized practice of law. Furthermore, the bankruptcy court did not erroneously deny appellant's motion for consideration of indigent status on the basis of insufficient evidence of appellant's financial circumstances.

IT IS FURTHER ORDERED that debtors' motion for damages and costs (D.I. 4) is denied.

Sue L. Robinson
United States District Judge